

3 FAM 8200

FAMILY MEMBER APPOINTMENTS

3 FAM 8210

FAMILY MEMBER LIMITED NONCAREER APPOINTMENT

(TL:PER-359; 06-04-1998)

3 FAM 8211 AUTHORITY

(TL:PER-359; 06-04-1998)

(State Only)

(Applies to U.S. Citizen Family Members Only)

a. The authority for these regulations establishing a Family Member Limited Noncareer Appointment is contained in Sections 301, 303, 309, 311, 403, 406, 407, 610 and 612 of the Foreign Service Act of 1980, as amended.

b. Chapter 3 FAM 8200 Appendix A (Old 3 FAM 123 - Methods of Overseas Employment) does not apply to appointments under the authority of these regulations (3 FAM Chapter 8210 - Family Member Limited Noncareer Appointment), except for Old 3 FAM 123.8-3 paragraphs b, c, and e, 3 FAM 123.8-4, 3 FAM 123.8-5, 3 FAM 123.9-4, 3 FAM 123.16, 3 FAM 123.17-9, and as otherwise specifically provided in the regulations in 3 FAM 8210.

3 FAM 8212 DEFINITIONS

(TL:PER-359; 06-04-1998)

(State Only)

(Applies to U.S. Citizen Family Members Only)

a. **Family Member Appointment (FMA)** is a type of Foreign Service Limited Noncareer Appointment available only to Eligible Family Members, as defined below, under the authority of Sections 309 and 311(a) of the Foreign Service Act of 1980, as amended. A Family Member Appointment has a term of more than one year but not more than five years. A Family Member Appointment may be extended or renewed in accordance with Sections 309 and 311 (a) of the Foreign Service Act of 1980, as amended, and the regulations in 3 FAM 8210.

b. **Eligible Family Member (EFM)** for purposes of 3 FAM 8210 is defined as a U.S. citizen spouse or a U.S. citizen child as referred to in 6 FAM 111.3 paragraph r (1) who is at least age 18, and who, in either case, is on the travel orders of a U.S. citizen Foreign or Civil Service employee or military service member permanently assigned to or stationed at a U.S. Foreign Service post or establishment abroad. The EFM must be resident at the sponsoring employee's or military member's post of assignment abroad, approved safe haven abroad, or alternate safe haven abroad. Other family members or dependents on the sponsoring employee's or military member's travel orders are not EFMs for purposes of 3 FAM 8210.

c. **Qualifying Position is:**

(1) A Department of State local direct-hire position (not a Personal Services Contract or a Personal Services Agreement), including a Foreign Service National (FSN) position, at a U.S. Foreign Service post or establishment abroad, but excluding any temporary-need position limited by its terms to a period of one year or less (e.g., summer-hire or peak workload positions), that has either a full-time regular workweek schedule (40 hours per workweek) or part-time regular workweek schedule of not less than 16 hours and not more than 32 hours. If the position requires more than 32 hours per workweek, for purposes of a Family Member Appointment, it should be established either as a full-time position, or as a job-share with each incumbent scheduled to work at least 16 hours per workweek; or

(2) A position (other than a temporary-need position) at a U.S. Foreign Service post or establishment abroad that may be filled by EFMs through special Department of State programs, such as the Professional Associates (PA) and Information Management Associates (IMA) programs, and the Family Employment Program (FEP) of the Bureau of European and Canadian Affairs (EUR), so long as the position meets the workweek schedule requirements established above in paragraph c (1).

3 FAM 8213 POLICY

(TL:PER-359; 06-04-1998)

(State Only)

(Applies to U.S. Citizen Family Members Only)

a. The purpose of the Family Member Limited Noncareer Appointment, hereinafter referred to as the Family Member Appointment (FMA), is to provide an efficient, equitable method of employing Eligible Family Members (EFMs) of U.S. Foreign and Civil Service employees and military service members permanently assigned to or stationed at U.S. Foreign Service posts or establishments abroad.

b. A Family Member Appointment is not a career appointment and does not confer career candidate status.

c. A Family Member Appointment does not in of itself entitle individuals holding such appointment to a position, compensation, and/or employee benefits. Persons holding a Family Member Appointment must compete for positions with other qualified and eligible applicants.

d. The Family Member Appointment is only available for positions at U.S. Foreign Service posts and establishments abroad.

3 FAM 8214 ELIGIBILITY CRITERIA

(TL:PER-359; 06-04-1998)

(State Only)

(Applies to U.S. Citizen Family Members Only)

To be appointed under a Family Member Appointment or to have such appointment extended or renewed, individuals must meet the following eligibility criteria:

(1) The individual must be an Eligible Family Member as defined in 3 FAM 8212 paragraph b, above.

(2) The individual must either:

(a) Be in a qualifying position as defined in 3 FAM 8212 paragraph c, above; or

(b) Have received a conditional or unconditional offer of employment to a Qualifying Position as the result of a competitive recruitment process.

In the case of individuals described in subparagraph (b), above, the Family Member Appointment will be effective upon entry on duty in the Qualifying Position.

(3) The individual must hold a security clearance level appropriate for the Qualifying Position to which appointed.

3 FAM 8215 TERMINATION OF FAMILY MEMBER APPOINTMENT

(TL:PER-359; 06-04-1998)

(State Only)

(Applies to U.S. Citizen Family Members Only)

a. Family Member Appointments may be terminated at any time, regardless of the expiration date specified on the appointment personnel action. Sections 610 and 612 of the Foreign Service Act of 1980, as amended, govern the rights of employees separated for misconduct.

b. Termination of an individual's Family Member Appointment may occur for any reason, including but not limited to one or more of the following events:

(1) Retirement or other separation of the employee whose travel orders includes the individual under a Family Member Appointment (e.g., as a result of resignation, expiration of career appointment, death, etc.);

(2) Other loss of status of the individual as an Eligible Family Member (e.g., divorce, annulment of marriage, child marries or reaches age 21);

(3) Individual is in Intermittent-No-Work-Scheduled (INWS) status at the expiration date of the Family Member Appointment;

(4) Revocation, suspension, reduction, or termination of security clearance;

(5) Failure to perform satisfactorily in a position held by the individual under the Family Member Appointment;

(6) Appointment of the individual under any other type of appointment with the U.S. Government, or the individual's acceptance or commencement of service under a personal services contract, nonpersonal services contract, third-party contract, or any other type of contractual arrangement with the U.S. Government, or entry on duty into a position with the U.S. Government that is not a Qualifying Position, with termination of the Family Member Appointment to be effective upon the occurrence of any such event;

(7) Determination under Department suitability procedures that the employee does not meet suitability standards;

(8) Misconduct; and/or

(9) Such other cause as will promote the efficiency of the Foreign Service.

c. The effective date of termination of a Family Member Appointment is effective on the last day of the pay period in which the date of the event warranting termination occurs, except as otherwise provided in 3 FAM 8215 paragraph b (6), above, or in paragraph d, below.

d. Conditions, if any, under which a Family Member Appointment which would otherwise terminate under 3 FAM 8215 paragraph b (1), (2), or (3) may be extended or renewed may be set out in regulations to be subsequently issued in 3 FAM, *Personnel*, or in 3 FAH-1, *Personnel Operations Handbook*.

e. Extension or renewal of any Family Member Appointment which would otherwise terminate under 3 FAM 8215 paragraph b (1), (2), or (3), or which would otherwise expire at the end of its term, is solely at management discretion.

3 FAM 8216 POSITION CLASSIFICATION

(TL:PER-359; 06-04-1998)

(State Only)

(Applies to U.S. Citizen Family Members Only)

All positions held by individuals under Family Member Appointments must be classified in accordance with the standards, guidelines, procedures, and authorities established by the Bureau of Personnel (PER) office responsible for FMA classification authority.

3 FAM 8217 APPOINTMENT AND PAY ADMINISTRATION

(TL:PER-359; 06-04-1998)

(State Only)

(Applies to U.S. Citizen Family Members Only)

Individuals under Family Member Appointments are compensated on the basis of the pay range established for the class of the Qualifying Position they hold under each Family Member Appointment.

3 FAM 8217.1 Pay Under Initial Family Member Appointment

(TL:PER-359; 06-04-1998)

(State Only)

(Applies to U.S. Citizen Family Members Only)

a. For purposes of this section, an initial Family Member Appointment is the first such appointment ever received by an individual or the first such appointment received by an individual after a break in service of more than three days following any appointment with the U.S. Government.

b. An employee's salary in an initial Family Member Appointment is set at step one, or minimum rate, of the class of the Qualifying Position held in the Family Member Appointment. Subject to the administrative discretion of the bureaus, there are two exceptions, which allow for a higher rate within the class of the position: Superior Qualifications Rate (SQR) and Highest Previous Rate (HPR). See 3 FAM 8200 Appendix A (old 3 FAM 123) 3 FAM 123.9-2 (B) and (C).

c. Management use of SQR and HPR is discretionary and depends on both availability of funds and organizational needs. Employees are not entitled to SQR or HPR in determining the rate of the class of the Qualifying Position held in the initial Family Member Appointment. Use of SQR and HPR must be approved by the regional or functional bureau that controls the Qualifying Position abroad.

3 FAM 8217.2 Intermittent-No-Work-Scheduled Status

(TL:PER-359; 06-04-1998)

(State Only)

(Applies to U.S. Citizen Family Members Only)

a. The work schedule of an individual under the Family Member Appointment is changed to Intermittent-No-Work-Scheduled (INWS), and the individual is reassigned to a Department of State FMA Inactive Complement position as a result of any of the following events:

(1) Individual under a Family Member Appointment vacates a Qualifying Position at a post abroad;

(2) Qualifying Position held by the individual under the Family Member Appointment is abolished or unfunded; or

(3) End of Tour of Duty (TOD) at post of assignment of the employee whose travel orders include the individual under the Family Member Appointment.

b. An individual under a Family Member Appointment in INWS status remains a Department of State employee.

c. An individual under a Family Member Appointment in INWS status receives no pay, benefits, or service credit.

3 FAM 8217.3 Entry on Duty to a New Position While Under a Family Member Appointment

(TL:PER-359; 06-04-1998)

(State Only)

(Applies to U.S. Citizen Family Members Only)

a. The movement of an individual already under a Family Member Appointment who enters on duty to a new Qualifying Position, whether immediately from another Qualifying Position or from INWS status, is accomplished by converting the individual's appointment to a new Family Member Appointment.

b. The new Family Member Appointment shall reflect the class and work schedule of the new Qualifying Position.

c. An individual in a Qualifying Position under a Family Member Appointment must serve at least 90 calendar days in that Qualifying Position prior to being eligible to apply for another position at the same post of employment.

3 FAM 8217.4 Position and Class Changes

(TL:PER-359; 06-04-1998)

(State Only)

(Applies to U.S. Citizen Family Members Only)

The terms of conversions referred to in 3 FAM 8217.3 paragraphs a and b, and the manner in which such conversions will be effected, will be set forth in regulations to be subsequently issued in 3 FAM, *Personnel*, or in 3 FAH-1, *Personnel Operations Handbook*.

3 FAM 8217.5 Within Class Increases

(TL:PER-359; 06-04-1998)

(State Only)

(Applies to U.S. Citizen Family Members Only)

The terms under which Within Class Increases will be available to individuals under a Family Member Appointment will be set forth in regulations to be subsequently issued in 3 FAM, *Personnel*, or in 3 FAH-1, *Personnel Operations Handbook*.

3 FAM 8218 BENEFITS AND RESPONSIBILITIES

3 FAM 8218.1 Allowances, Differentials and Other Benefits

(TL:PER-359; 06-04-1998)

(State Only)

(Applies to U.S. Citizen Family Members Only)

a. Notwithstanding any other provisions of law, individuals under Family Member Appointments shall not be entitled to receive in their own right as employees any allowances, differentials, or other benefits (e.g., including but not limited to such allowances, differentials, and benefits as Temporary Lodging, Living Quarters, Transfer, Home Service Transfer, Education, Separate Maintenance Allowances, Post Differential, Advances of Pay, home leave, rest and recreation, etc.) unless specifically authorized in 3 FAM 8210, Family Member Noncareer Limited Appointments, or unless required by statute.

b. Individuals under Family Member Appointments are eligible for Danger Pay in their own right as employees, if they otherwise meet the qualifying criteria for such allowance.

c. Individuals under Family Member Appointments working under a full-time workweek schedule are eligible for Post Allowance in their own right as employees if they otherwise meet the qualifying criteria for such allowance, but only if a post-specific exception has been authorized by the Department in cases where a bureau requests relief from rare and unusual compensation issues which adversely affect a post's ability to meet staffing requirements.

3 FAM 8218.2 Leave Without Pay (LWOP)

(TL:PER-359; 06-04-1998)

(State Only)

(Applies to U.S. Citizen Family Members Only)

Leave Without Pay (LWOP) may be granted only to individuals under a Family Member Appointment who are expected to return after the LWOP to the same position from which LWOP is being requested.

3 FAM 8218.3 Standards of Conduct

(TL:PER-359; 06-04-1998)

(State Only)

(Applies to U.S. Citizen Family Members Only)

Regardless of whether they are currently serving in a position abroad or are in INWS status or on LWOP abroad or in the United States, individuals under a Family Member Appointment are subject to standards of conduct requirements applicable to Department of State employees as well as to all U.S. Government employees. See 3 FAM 4100 and Title 5, Code of Federal Regulations, Part 2635 (5 CFR 2635).

3 FAM 8219 SECURITY CLEARANCES AND SUITABILITY

(TL:PER-359; 06-04-1998)

(State Only)

(Applies to U.S. Citizen Family Members Only)

a. In all cases, individuals to be placed under a Family Member Appointment will be subject to appropriate investigation to determine suitability for employment and, if required security clearance eligibility.

b. In the event that information is developed that raises a question of suitability for employment, the Bureau of Personnel (PER) suitability panel will determine whether an individual may be placed under a Family Member Appointment, or whether a current Family Member Appointment may continue or must be terminated.

c. Security clearances for all individuals under Family Member Appointments are investigated, issued, denied, revoked, suspended, and/or reduced by the Department's Bureau of Diplomatic Security (DS) in accordance with 12 FAM 230.